

06-04-03

0120 Rec'd PTO JUN 3 2003

RCE#

Practitioner's Docket No. **TRW(VSSIM)4820****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Harold R. Blomquist

Application No.: 09/767,567

Group No.: 3641

Filed: January 23, 2001

Examiner: E.A. Miller

For: **PROCESS FOR PREPARING FREE-FLOWING PARTICULATE  
PHASE STABILIZED AMMONIUM NITRATE****Commissioner for Patents**

P.O. Box 1450

Alexandria, VA 22313-1450

**REQUEST FOR CONTINUED EXAMINATION (RCE)  
(37 C.F.R. § 1.114)**

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above-identified application.

**WARNING:** 35 U.S.C. 132(b) and § 1.114 provide for the continued examination of an application and not examination of a continuing application. Accordingly, the Office will not permit an applicant to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

**WARNING:** A continued examination request cannot be made if at least one office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 161 has not been mailed. The provisions of 37 CFR 1.114 also do not apply (1) to a provisional application, an application for a utility or plant patent filed under 35 U.S.C. 111(a); (2) an international application filed under 35 U.S.C. 363 before June 8, 1995; (3) a patent under reexamination or (4) an application for a design patent. 37 CFR 1.114(d).

**CERTIFICATION UNDER 37 CFR §§1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
**37 C.F.R. § 1.8(a)**

☐ with sufficient postage as first class mail.  
Addressee"

☒ as "Express Mail Post Office to  
Mailing Label No. EU251877092  
(mandatory)

**TRANSMISSION**

- ☐ transmitted by facsimile to the Patent and Trademark Office, (703)

Signature

Date: June 3, 2003

Deborah Denn

(type or print name of person certifying)

\*Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

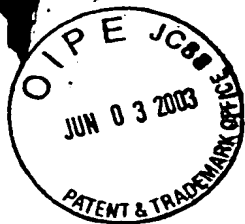
06/17/2003 AWONDAF1 00000037 09767567

01 FC:1801 750.00 OP

(Request for Continued Examination (RCE) (37 C.F.R. § 1.114)[9-62]-Page 1 of 5)

06/17/2003 AWONDAF1 00000037 09767567

02 FC:1252 410.00 OP



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**GROUP 3600**

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+ Rep. For  
RCE

NOTE: There is no limit to the number of times the fee for continued examination may be submitted. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

NOTE: Unlike a continuation application, a continued examination request can utilize the mailing procedure of 37 CFR 1.8. See 37 CFR § 1.8(a)(2)(i)(A).

### TIME REQUEST IS BEING MADE

2. This request is being submitted (check appropriate item(s) below):

- i. ☒ Prior to abandonment of the application
- ii. ☐ Payment of the issue fee
  - ☐ Prior to payment of issue fee
  - ☐ Issue fee has been paid but a petition under § 1.313 has been granted
- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.
  - ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.

NOTE: If such a notice is not sent to the Board then may refuse to vacate a decision rendered after the filing of the RCE but before recognition by the Office of the RCE request under § 1.114.

- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or ☐ Commencement of a civil action under 35 U.S.C. 146.
  - ☐ Prior to the filing of such appeal or commencement of civil action.
  - ☐ Such appeal or commencement of civil action has been terminated.

### ENCLOSURES

3. Enclosed herewith is/are:

**WARNING:** If reply to a final or non-final Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of § 1.111. 37 C.F.R. § 1.114(b).

- ☐ An information disclosure (37 C.F.R. § 1.98) (      page(s))
- ☐ Form PTO-1449 (PTO/SB/08A and 08B) (      page(s))
- ☒ An amendment (19 page(s)) Unentered filed April 29, 2003
- ☐ New arguments
- ☐ New evidence in support of patentability
- ☐ Other:

### FEE REQUEST (37 C.F.R. §1.17(e))

4. This application is on behalf of:

- ☐ Small entity (and status is still as small entity). . . . . \$375.00
- ☒ Other than a small entity . . . . . \$750.00

Continued Prosecution Request Fee      **\$750.00**  
(Request for Continued Examination (RCE) (37 C.F.R. § 1.114)[9-64]—Page 2 of 5)  
Express Mail Label No. EU251877092

## FEE FOR CLAIMS

**NOTE:** "The fee for continued examination under § 1.114 (§1.17(e)) does not include additional claims fee (cf. 1.53 (d)(3)(ii))." See Notice of March 10, 2000, 65 Fed Reg 14865, at 148868.

37 CFR 1.53(d)(3): "The filing fee for a continued prosecution application filed under this paragraph is:

(i) The basic filing fee as set forth in § 1.16; and

Any additional § 1.16 fee due based on the number of claims remaining in the application after entry of any amendment accompanying the request for an application under this paragraph and entry of any amendments under § 1.116 unentered in the prior application which applicant has requested to be entered in the continued prosecution application."

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)			(Col. 2)		(Col. 3)		SMALL ENTITY		OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT			HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA	RATE	ADDIT. FEE .	OR	RATE	ADDIT. FEE
TOTAL	*17	MINUS	** 20	=	X\$ 9=	\$			X\$ 18=	\$-0-
INDEP.	*3	MINUS	***3	=	X\$ 42=	\$			X\$ 84=	\$-0-
<input type="checkbox"/>	FIRST PRESENTATION OF MULTIPLE DEP. CLAIMS			=	X\$140=	\$			X\$280=	\$
						\$		O R	TOTAL ADDIT. FEE	\$

\* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING** See 37 C.F.R. §1.116.

(complete (c) or (d), as applicable)

(a) ☒ No additional fee for claims is required.

**OR**

(b) ☐ Total additional fee for claims required \$ \_\_\_\_\_

**PAYMENT F FEE(S) DUE**

8. Please pay the fee(s) for this continued examination application as follows:

- ☒ Check is attached for the sum of \$ 1,160.00
- ☐ Charge Account No. 20-0090 the sum of \$ \_\_\_\_\_
- ☐ Charge Credit Card the sum of \$ \_\_\_\_\_
- (Credit Card Payment Form (PTO-2038) attached)

Please charge any required additional fee(s) for § 1.17(e), § 1.16(b)-(d) and/or § 1.17(a)(1)-(4) to

- ☒ Account No. 20-0090.
- ☐ Credit Card (Credit Card Payment Form (PTO-2038) attached).

**INVENTORSHIP**

NOTE: Any change of inventors must be via the procedure set forth in 37 CFR § 1.48. See Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

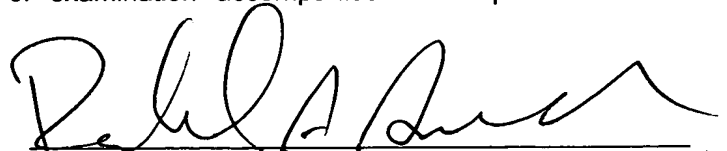
9. This application as amended names as inventors:

- ☒ the same inventors as previously designated for the claims.
- ☐ fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.
- ☐ a person not named previously as an inventor and a petition under 37 C.F.R. § 1.48 is/has separately: ☐ being filed ☐ been filed

**DEFERRAL OF EXAMINATION**

10. ☐ A request for deferral of examination accompanies this request for continued examination.

Date: 6-3-03

  
**SIGNATURE OF PRACTITIONER**

Reg. No. 43,941

RICHARD A. SUTKUS  
(type or print name of practitioner)

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